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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,854	09/29/2003	J. Thomas Light	565647.0002	6320
21832	7590	12/02/2005	EXAMINER	
MCCARTER & ENGLISH LLP CITYPLACE I 185 ASYLUM STREET HARTFORD, CT 06103			BEACH, THOMAS A	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,854

Applicant(s)

LIGHT, J. THOMAS

Examiner

Thomas A. Beach

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 10/05/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Brier 3,239,954. Brier shows a self-propelled stand-behind snow blower apparatus 11 for removing snow from a surface including an engine operably connected to drive wheels (fig 5); an attached front-mounted auger housing 17 having a first sidewall, a second sidewall and a scraper blade, and a first glide wheel 21 affixed to the first sidewall and a second glide wheel 21 affixed to the second sidewall.

Claim Rejections - 35 USC § 103

2. Claims 2, 4-5, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brier 3,239,954 in view of Mattson et al 3,468,041.

Brier shows a self-propelled stand-behind snow blower apparatus for removing snow but fails to show are affixed by first and second axles that are bolted and the first and second glide wheel assemblies comprise an adjustable glide wheel mounting assembly having a bracket plate (first means; claim 7) with an axle affixed perpendicularly at a central region of the bracket plate, a wheel mounted on the axle, and a height adjustment assembly. However, Mattson shows a similar stand-behind snow blower apparatus having first and second axles that are bolted (claim 2) and the first and second glide wheel assemblies comprise an adjustable glide wheel mounting assembly (Mattson 49) having a bracket plate, first means (claim 7) (Mattson 47) with

an axle affixed perpendicularly at a central region of the bracket plate (considered central relative to the top and bottom of plate (Mattson 47) in figure 3 of Mattson), a wheel mounted (Mattson 28/29) on the axle (Mattson 46), and a height adjustment assembly (Mattson 49; claims 4-5) along second means (Mattson 49) for fixedly adjusting the position of the axle axis relative to the auger housing (claim 8).

3. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brier 3,239,954 and Mattson et al 3,468,041 as applied to claims 5 and 7 above, and further in view of Miller 5,438,770.

As concerns claims 6 and 9, the combination shows the height adjustment assembly comprises a bracket plate (Mattson 47) having at least one axle (Mattson 46) affixed perpendicularly at a central region of the plate, at least one wheel (Mattson 28/29) mounted on the axle (Mattson 46), a pivot hole (Mattson 48) in the bracket plate at a first location outboard of the wheel but Mattson does not show a slotted hole in the bracket plate at a second location outboard of the wheel, instead shows a lug (Mattson 49b) that fits into a plurality of holes (Mattson 50). However, Miller shows, in figure 1, an adjustable shoe (unnumbered) having a pivot hole (left-hand slot) and a second slot (right-hand slot) that allows for infinite height positions within the slot length of the shoe. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mattson, as taught by Miller, to include a second slotted hole to increase the number of positions and angles of the apparatus relative to the ground to improve the overall adaptability of the snow blower to many types of conditions and snow heights. Furthermore, application had stated in the specification

that an adjustable arrangement having a plurality of holes is contemplated (page7, line 17-18) supporting the obviousness between that of a slot and plurality holes.

Response to Arguments

4. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

November 28, 2005

THOMAS A. BEACH
Patent Examiner
Group 3600